CONTRACT #3 RFS # 359.62-035-04

Department of Children's Services

VENDOR: David Frensley, M.A.

REQUEST: NON-COMPETITIVE AMENDMENT

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FISCAL REVIEW

APPROVED				
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Commissioner of Fi	nance &	Adminis	stration	•
Date:				

	CH REQUEST ITEM BELOW MUST BE DETAILED OR ADDRESSED AS RE	OUIRED.						
EA	Shineddeshinely below meet 9 777							
1) RFS#	359.62-035-04							
2) State Agency Name :	Department of Children's Services							
•	EXISTING CONTRACT INFORMATON							
3) Service Caption :	Psychological/Educational Diagnostic Evaluations for Woodlan (NVYDC) Youth Development Centers	d Hills (WHYDC) & New Visions						
4) Contractor :	David Frensley, M.A.							
5) Contract #	FA-04-15551							
6) Contract Start Date:		August 1, 2003						
7) <u>Current</u> Contract End	Date IF <u>all</u> Options to Extend the Contract are Exercised:	June 30, 2008						
8) <u>Current</u> Total Maxim	um Cost IF <u>all</u> Options to Extend the Contract are Exercised:	\$250,000.00						
	PROPOSED AMENDMENT INFORMATON							
9) <u>Proposed</u> Amendme	nt#	Three						
10) <u>Proposed</u> Amendme (attached explanation	nt Effective Date : required if date is < 60 days after F&A receipt)	April 1, 2006						
11) Proposed Contract I	End Date IF <u>all</u> Options to Extend the Contract are Exercised:	June 30, 2008						
12) Proposed Total Max	imum Cost IF <u>all</u> Options to Extend the Contract are Exercised:	\$259,300.00						
13) Approval Criteria : (select one)	use of Non-Competitive Negotiation is in the best interes	t of the state						
· · ·	only one uniquely qualified service provider able to provide the service							
	roposed Amendment Effects & Any Additional Service :							
The amendment increase Development Center. The	s the FY 2006 liability by nine thousand, three hundred dollars, (\$9,30 e increased liability will pay for projected service levels through the er	00.00) for services at New Visions Youth nd of Fiscal Year 2006.						

15) Explanation of Need for the Proposed Amendment :	
The DCS facility, NVYDC, is facing the probability that its student population will student residents to twenty-four by June 30, 2006. The amended increase will those students associated with this increase.	Il double from the present number of twelve female cover the diagnostic and evaluation service costs for
16) Name & Address of Contractor's Current Principal Owner(s): (not required if proposed contractor is a state education institution)	
David W. Frensley, M.A. 121 Hermitage Woods Drive Hermitage, TN, 37076	
17) Documentation of Office for Information Resources Endorsement : (required only if the subject service involves information technology)	
select one: Documentation Not Applicable to this Request	Documentation Attached to this Request
18) Documentation of Department of Personnel Endorsement: (required only if the subject service involves training for state employees)	
select one: Documentation Not Applicable to this Request	Documentation Attached to this Request
19) Documentation of State Architect Endorsement : (required only if the subject service involves construction or real property r	elated services)
select one: Documentation Not Applicable to this Request	Documentation Attached to this Request
20) Description of Procuring Agency Efforts to Identify Reasonable, Com	petitive, Procurement Alternatives :
Procurement alternatives have not been attempted as this vendor is the curren competitive procurement.	nt contractor having won the contract through a
21) Justification for the Proposed Non-Competitive Amendment :	
The services provided under this contract are required services and must be a	vailable to students at both NVYDC and WHYDC.
REQUESTING AGENCY HEAD SIGNATURE & DATE: (must be signed & dated by the <u>ACTUAL</u> procuring agency head as detailed o by an authorized signatory will be accepted only in documented exigent circum	n the Signature Certification on file with OCR— signature nstances)
Widamuch	Date
Angrey Head Signature	regions and the medical section of the control of t

Explanatory Note Regarding: Request submitted to F&A in less than 60 days.

The initial budget for the New Visions YDC facility could not be determined with accuracy at the outset of FY 2006. Recently, the DCS Contracts Section had begun efforts to amend certain professional services contracts at the NVYDC and WHYDC facilities that needed adjusting due to greater than expected utilization rates. However, while engaged in the process we were also made aware that NVYDC was expecting an increase in the student population, which would require amendments of additional contracts as well as those on which work had already begun. Rather than repeat the amendment process for these contracts so closely together, a request was made for NVYDC and WHYDC to review all service contracts in relation to the utilization rates and population increases and then provide the final amounts for FY 2006 of each contract needing an amendment. DCS needs to obtain approval of these amendments as quickly as possible to ensure that adequate funds remain available. Consequently, we are requesting immediate approval to aid in ensuring our ability to provide uninterrupted payment for services delivered.

Your assistance is greatly appreciated.

AMENDMENT THREE TO CONTRACT FA-04-15551-03 BETWEEN DEPARTMENT OF CHILDREN'S SERVICES AND DAVID W. FRENSLEY, M.A.

This Contract, by and between the State of Tennessee, Department of Children's Services (DCS), hereinafter referred to as the State, and David W. Frensley, hereinafter referred to as the Contractor, is hereby amended as follows:

- 1. Delete Section C.1. in its entirety and insert the following in its place:
 - C.1. <u>Maximum Liability</u>. In no event shall the maximum liability of the State under this Contract exceed Two hundred and Fifty Nine Thousand, Three Hundred Dollars (\$259,300.00). The annual liability for fiscal year 2004 shall not exceed Forty Seven Thousand Dollars (\$47,000.00). The annual liability for fiscal year 2005 shall not exceed Sixty Two Thousand Dollars (\$62,000.00). The annual liability for fiscal year 2006 shall not exceed Fifty Six Thousand Three Hundred Dollars (\$56,300.00). The annual liability for fiscal years 2007 and 2008 shall not exceed Forty Seven Thousand Dollars (\$47,000.00) per fiscal year. The Payment Rates in Section C.3 shall constitute the entire compensation due the Contractor for the Service and all of the Contractor's obligations hereunder regardless of the difficulty, materials or equipment required. The Payment Rates include, but are not limited to, all applicable taxes, fees, overheads, and all other direct and indirect costs incurred or to be incurred by the Contractor.

The Contractor is not entitled to be paid the maximum liability for any period under the Contract or any extensions of the Contract for work not requested by the State. The maximum liability represents available funds for payment to the Contractor and does not guarantee payment of any such funds to the Contractor under this Contract unless the State requests work and the Contractor performs said work. In which case, the Contractor shall be paid in accordance with the Payment Rates detailed in Section C.3. The State is under no obligation to request work from the Contractor in any specific dollar amounts or to request any work at all from the Contractor during any period of this Contract.

The other terms and conditions of this Contract not amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF:	
DAVID W. FRENSLEY, M.A.:	
David W. Frensley, M.A.	Date
DEPARTMENT OF CHILDREN'S SERVICES:	
Viola P. Miller, Commissioner	Date
APPROVED:	
DEPARTMENT OF FINANCE AND ADMINISTRATION:	
M. D. Goetz, Jr., Commissioner	Date
	,
DEPARTMENT OF PERSONNEL:	
Randy C. Camp, Commissioner	Date
COMPTROLLER OF THE TREASURY:	
John G. Morgan, Comptroller of the Treasury	Date



FAX TRANSMITTAL

TO:

Dr. Lynn Goodman, Director

Employee Development & EEO

FAX # 532-0728

FROM:

Steven Barlar, Program Director

DCS Contracts Section

FAX # 244-8969

DATE:

February 28, 2006

RFS#

359.62-035-04

RE:

Procurement Endorsement — Amendment Three to FA-04-15551, with

David Frensley, M.A.

NUMBER OF FAX PAGES (including cover): 4

The nature and scope of service detailed in the attached service procurement document(s) appears to require Department of Personnel (DOP) review and support, because the procurement involves training of state employees.

This communication seeks to ensure that DOP is aware of the procurement and has an opportunity to review the matter. Please determine whether DOP is supportive of the procurement. If you have any questions or concerns about this matter, please call Steven Barlar at 615-532-2457. DOP DOS MOI CONJUNT THE TYPE

Accompanying Document(s)

See Summary Sheet for amendment #2, indicating the current annual and total maximum liabilities, and pages 1-3 for the complete Scope of Services, (see A.7. Staff Training for staff training item) of the Initial Contract copy of FA-03-15551.

Note: We are developing Amendment #3 to FA-03-15551 which requests an increase in the contract's maximum liability for FY 2006 in the amount of \$9,300.00. This increase is necessary due to the New Visions YDC student population being doubled from twelve to twenty-four. No other changes are being made to the contract except the maximum liability. Please let me know if you need further information or assistance in any way.

We are requesting immediate review and approval as DCS is striving to expedite several amendments that are necessary due to unexpected increases in service needs at Woodland Hills YDC and the doubling of the student resident population at New Visions YDC. Please indicate below your response to this proposed procurement, and return this communication at your earliest convenience (note the return FAX number above).

Thanks for your assistance

Department of Personnel Endorsement:

DOP Director of Employee Development & EEO Signature & Date

2-28-06

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JAN 1 0 2006



FISCAL REVIEW

State of Tennessee
Department of Children's Services
Cordell Hull State Office Building, 7th Floor
436 Sixth Avenue North
Nashville, Tennessee 37243-1290
Viola P. Miller, Commissioner

Memorandum

January 6, 2006

To: Jim White, Director, Fiscal Review Committee 8th Floor, Rachel Jackson Building 320 Sixth Avenue North

From: Steven Barlar
Program Director
Department of Children's Services (DCS) Contracts
7th Floor, Cordell Hull Building
436 Sixth Avenue North

Attention: Leni Chick, Fiscal Analyst Fiscal Review Committee (FRC) 8th Floor, Rachel Jackson Building 320 Sixth Avenue North

Regarding: Follow up information as requested during the December 14, 2005 FRC Services Subcommittee meeting pertaining to Amendment #1 for FA-04-15551

During the above noted meeting, the Department of Children's Services (DCS) was requested to provide clarifying information regarding two items of information regarding Amendment #1 to Contract FA-04-15551. The subcommittee approved Amendment #2 for this contract contingent upon DCS providing this information. The information requested and the DCS response obtained from DCS Budget and DCS Payables is as follows:

First Item:

Was the amended increased of \$15,000.00 new monies or was it redistributed from within the contracts allotment code at the time the amendment was executed?

DCS Response: The \$15,000.00 was not new monies. It was redistributed from within the original Allotment Code, 359.62.

Second Item:

Was the \$15,000.00 increase spent?

DCS Response: DCS Payables has reported that \$905.00 of the amended increase of \$15,000.00 had invoices submitted against it. Further invoices should not be forthcoming against the amended increase.

Should further information be necessary, please let us know.

RECEIVED

JAN 1 1 2006



FISCAL REVIEW

State of Tennessee
Department of Children's Services
Cordell Hull State Office Building, 7th Floor
436 Sixth Avenue North
Nashville, Tennessee 37243-1290
Viola P. Miller. Commissioner

Memorandum

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To: Jim White, Director, Fiscal Review Committee 8th Floor, Rachel Jackson Building 320 Sixth Avenue North

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Program Director
Department of Children's Services (DCS) Contracts
7th Floor, Cordell Hull Building
436 Sixth Avenue North

Attention: Leni Chick, Fiscal Analyst Fiscal Review Committee (FRC) 8th Floor, Rachel Jackson Building 320 Sixth Avenue North

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During the above noted meeting, the Department of Children's Services (DCS) was requested to provide clarifying information regarding two items of information regarding Amendment #1 to Contract FA-04-15551. The subcommittee approved Amendment #2 for this contract contingent upon DCS providing this information. The information requested and the DCS response obtained from DCS Budget and DCS Payables is as follows:

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Should further information be necessary, please let us know.



GENERAL ASSEMBLY OF THE STATE OF TENNESSEE FISCAL REVIEW COMMITTEE

320 Sixth Avenue, North - 8th Floor NASHVILLE, TENNESSEE 37243-0057 615-741-2564

Rep. Charles Curtiss, Chairman

Representatives

Harry Brooks Curt Cobb

Mary Pruitt Donna Rowland David Shepard

Bill Dunn

Curry Todd Dennis Ferguson

Craig Fitzhugh, ex officio

Speaker Jimmy Naifeh, ex officio

Sen. Don McLeary, Vice-Chairman

Senators

Mae Beavers

David Fowler Steve Southerland

Jim Bryson

Steve Cohen

Douglas Henry, ex officio

Lt. Governor John S. Wilder, ex officio

MEMORANDUM

TO:

The Honorable Dave Goetz, Commissioner

Department of Finance and Administration

FROM:

Charles Curtiss, Chairman

Don McLeary, Vice-Chairman

DATE:

cc:

December 15, 2005

SUBJECT:

Contract Comments

(Contract Services Subcommittee Meeting 12/14/05)

RFS# 359.62-035

Department: Children's Services

Contractor: David W. Frensley, M.A.

Summary: The vendor provides mental health evaluations and counseling services to male and female students at the Woodland Hills and New Visions This amendment adds the newly Youth Development Center campus. constructed residence housing the female student residents as their location of service. The term of this contract remains effective through June 30, 2008.

Maximum liability: \$250,000

Maximum liability with amendment: \$250,000

After review, the Fiscal Review Committee voted to approve this contract with the stipulation that the agency respond to the Committee's questions concerning transfer and accounting of funds.

The Honorable Viola P. Miller, Commissioner

Mr. Robert Barlow, Director, Office of Contracts Review

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AMENDMENT TWO TO CONTRACT FA-04-15551-02 BETWEEN DEPARTMENT OF CHILDREN'S SERVICES AND DAVID W. FRENSLEY, M.A.

This Contract, by and between the State of Tennessee, Department of Children's Services (DCS), hereinafter referred to as the State, and David W. Frensley, hereinafter referred to as the Contractor, is hereby amended as follows:

- Delete Section A.1. in its entirety and insert the following in its place:
 - A.1. The contractor agrees to perform the following services, as requested by DCS, to the two following gender separate facilities; New Visions Youth Development Center with a capacity of twenty-four (24) resident female students, and Woodland Hills Youth Development Center with a capacity of one hundred twenty (120) resident male students.

The other terms and conditions of this Contract not amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF:	
DAVID W. FRENSLEY, M.A.:	
Day W. Frensley, M.A.	9/27/08
David W. Frensley, M.A.	Date
DEPARTMENT OF CHILDREN'S SERVICES:	
Viola P. Miller Dow	9/30/05
Viola P. Miller, Commissioner	Date
APPROVED:	
DEPARTMENT OF FINANCE AND ADMINISTRATION:	
M.D. July 1/KS	/8//2/05 Date
M. D. Goetz, Jr., Commissioner	pate
DEPARTMENT OF PERSONNEL:	
Randy C. Camp, Commissioner	OCT 1 & 2005
Randy C. Camp, Commissioner	Date
THE TREASURY	
COMPTROLLER OF THE TREASURY:	111-
Com Ga Morgan	1 14 05
John G. Morgan, Comptroller of the Treasury	Date



STATE OF TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES

7th Floor Cordell Building 436 Sixth Avenue South Nashville, Tennessee 37243-1290

MEMORANDUM:

DATE:

July 22, 2003

TO:

M.D. Goetz, Jr., Commissioner

FROM:

Michael J. Miller, Commissioner TXCHAUL & Miller, Commissioner

SUBJECT:

Procurement Request

The Department of Children's Services (DCS) recently did an RFP (#359.62-015) to procure Mental Health Evaluation and Counseling Services for students residing at Woodland Hill Youth Development Center. DCS received two proposals in response to the RFP and Jesse Jones; Ph.D. was the best-evaluated proposer and was awarded a contract (FA-04-15315-00) that began July 1, 2003. On July 21, 2003 Dr. Jones informed DCS that he is not able to fulfill the obligations of this contract (FA-04-15315-00) and is requesting the contract be terminated. DCS is requesting permission to terminate this contract (FA-04-15315-00) for cause with Jesse Jones; Ph.D. effective July 22, 2003. DCS is also requesting permission to award the contract to David Frensley, M.A. who was the next best-evaluated proposer to RFP (#359.62-015).

DCS is in immediate need of these mental health services because we have students at Woodland Hills Youth Development Center who are presently waiting and in need of mental health evaluations. DCS is in violation of DCS policy by not providing these evaluations.

David Frensley, M.A. is qualified and willing to provide the needed services and presently provides contract psychological services for DCS in the Davidson County Region and the Mid Cumberland Community Services Agency. Mr. Frensley has functioned as an independent practitioner and contractor for eleven (11) years. Mr. Frensley currently provides all services required in contracts, but has at his disposal two senior psychological examiners and a clinical psychologist who can provide services. Mr. Frensley's Address is:

> David Frensley, M.A. 121Hermitage Woods Drive Hermitage, TN 37076

Your approval of this request is appreciated.

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MAY 2 3 2005

Office of Contracts Review

AMENDMENT ONE TO CONTRACT FA-04-15551 _BETWEEN DEPARTMENT OF CHILDREN'S SERVICES AND DAVID W. FRENSLEY, M.A.

This Contract, by and between the State of Tennessee, Department of Children's Services, hereinafter referred to as the State, and David W. Frensley, hereinafter referred to as the Contractor, is hereby amended as follows:

- 1. Delete Section C.1. Maximum Liability in its entirety and insert the following in its place:
 - C.1. Maximum Liability. In no event shall the maximum liability of the State under this Contract exceed Two Hundred Fifty Thousand Dollars (\$250,000.00). The maximum liability for Fiscal Years 2004, 2006, 2007, and 2008 shall not exceed Forty Seven Thousand Dollars (\$47,000.00). The maximum liability for Fiscal Year 2005 shall not exceed Sixty Two Thousand Dollars (\$62,000.00). The Payment Rates in Section C.3 shall constitute the entire Dollars (\$62,000.00). The Payment Rates in Section C.3 shall constitute the entire compensation due the Contractor for the Service and all of the Contractor's obligations hereunder regardless of the difficulty, materials or equipment required. The Payment Rates include, but are not limited to, all applicable taxes, fees, overheads, and all other direct and indirect costs incurred or to be incurred by the Contractor.

The Contractor is not entitled to be paid the maximum liability for any period under the Contract or any extensions of the Contract for work not requested by the State. The maximum liability represents available funds for payment to the Contractor and does not guarantee payment of any such funds to the Contractor under this Contract unless the State requests work and the Contractor performs said work. In which case, the Contractor shall be paid in accordance with the Payment Rates detailed in Section C.3. The State is under no obligation to request work from the Contractor in any specific dollar amounts or to request any work at all from the Contractor during any period of this Contract.

The other terms and conditions of this Contract not amended herebylshall remain in full force and effect.

IN WITNESS WHEREOF:	•
DAVID W. FRENSLEY, M.A.:	
Drawid W. Trember	6/9/05
David W. Frensley, M.A.	Date
DEPARTMENT OF CHILDREN'S SERVICES:	
Viola P. Willer / MIS	6-13-05
Viola P. Miller, Commissioner	Date
APPROVED:	
DEPARTMENT OF FINANCE AND ADMINISTRATION:	
M. D. Goetz, Jr., Commissioner	Date
DEPARTMENT OF PERSONNEL:	
Randy C. Camp, Commissioner	Date
Randy C. Carrip, Commissions	$\frac{1}{\sqrt{t}}$
COMPTROLLER OF THE TREASURY:	
John G. Morgan, Comptroller of the Treasury	Date
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